

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JUAN QUINONES,	:	
Petitioner,	:	
	:	
v.	:	Civil No. 2:17-cv-02792
	:	
COMMONWEALTH OF PENNSYLVANIA;	:	
STATE OF NEW JERSEY; and	:	
WARDEN G. MAY,	:	
Respondents.	:	

ORDER

AND NOW, this 7th day of December, 2017, upon consideration of the petition for a writ of habeas corpus, after review of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice, and in the absence of any objections to the Report and Recommendation,¹ **IT IS ORDERED THAT:**

1. The Report and Recommendation, ECF No. 9, is **APPROVED and ADOPTED**;
2. Petitioner's claim against the Commonwealth of Pennsylvania is **DENIED with prejudice as moot**.
3. The remaining claim in the petition for a writ of habeas corpus is **TRANSFERRED** to the United States District Court for the District of New Jersey in accordance with 28 U.S.C. § 2241(a);

¹ When neither party objects to a magistrate judge's report and recommendation, the district court is not statutorily required to review the report, under de novo or any other standard. 28 U.S.C. § 636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 152 (1985). Nevertheless, the Third Circuit Court of Appeals has held that it is better practice to afford some level of review to dispositive legal issues raised by the report. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987), *writ denied* 484 U.S. 837 (1987). "When no objections are filed, the district court need only review the record for plain error or manifest injustice." *Harper v. Sullivan*, No. 89-4272, 1991 U.S. Dist. LEXIS 2168, at *2 n.3 (E.D. Pa. Feb. 22, 1991); *see also Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998). The district court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1)(C).

4. There is no probable cause to issue a certificate of appealability; and
5. The Clerk of the Court shall **CLOSE** this case.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge